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STATE OF HAWAII
DEPARTMENT OF EDUCATION
OFFICE OF HUMAN RESOURCES

STAFF REDUCTION GUIDELINES FOR CERTIFICATED PERSONNEL
(Teacher Types)

I. INTRODUCTION

Staff reduction is the process of reducing the number of active certificated employees assigned to a school. Staff reduction occurs when the number of active certificated employees assigned to the school exceeds the number of certificated positions allocated to that school. Staff reduction may be caused by:

- A. A decrease in enrollment.
- B. A cutback of funds or special positions allocated to the school.
- C. Employees holding school status returning from leaves of absence or temporary duty assignments.
- D. Other administrative actions, such as consolidation of schools, opening of new schools, academic and financial plan of the schools, etc.

NOTE: H.R.S. [297-11] §302A-609 states: "...Teachers may also be dismissed because of decrease in number of pupils or from other causes over which the department has no control. Dismissals due to decrease in number of pupils or for causes over which the department has no control shall begin with those teachers with the least number of years of services..." This provision of the law refers to lay-off in the event that teachers have to be dismissed on a statewide basis.

II. DEFINITION OF TERMS

A. Types of Teacher Assignment

1. Regular Assignment

Tenured teacher assigned to a permanent unobligated position (clear line) in the school.

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A position is obligated* when another teacher has return rights to the position. Return rights may be held by teachers on leave, teachers on temporary duty assignment, etc.

A regular assignment, if available, shall only be granted at the beginning of the school year.

2. Limited Term Assignment (LTA)

Teacher who does not hold a regular assignment. A limited term assignment usually has a specific termination date and generally does not exceed one school year at a time. There are five (5) types of limited term assignments as follows:

a. LTA-Vicing

- (1) Tenured teacher temporarily assigned to a permanent but obligated position in the school.

A position is obligated* when another teacher has return rights to the position. Return rights may be held by teachers on leave, teachers on temporary duty assignment, etc. or,

- (2) Tenured teacher assigned after 24 working days of the school year to a permanent unobligated position in the school.

The LTA-Vice assignment is necessary in this case because a regular assignment can be granted only at the beginning of the school year.

Note: *A position may not necessarily be obligated to any one individual teacher on a one-to-one basis but rather may be obligated collectively along with other obligated positions to teachers who have return rights to that school.

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b. LTA-Temporary Position

Tenured teacher assigned to a temporary position. Such a teacher may have a special guaranteed right of return to another school or to a district unassigned status.

c. LTA-Temporary

Tenured teacher on early return from leave.

d. LTA-Probationary

Non-tenured teacher serving on probation.

e. LTA-TTAA

Non-tenured teacher in a Temporary Teacher's Appointment Agreement.

B. Status of Teacher

1. School Status

Teacher who has an assignment to a school to which he/she is entitled and, therefore, has some form of priority for school placement under staff reduction guidelines.

2. Non-school Status

Teacher who does not have an assignment to a school and, therefore, has no priority for school placement under staff reduction guidelines.

C. Status of Teachers on Leaves of Absence

1. With School Guarantee

A teacher on an original leave of absence holds a school guarantee and retains school status as follows:

- a. A teacher holding a regular assignment prior to going on leave returns to a regular assignment status in the school.

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- b. A teacher holding a LTA-Vice assignment prior to going on leave returns to a vicing assignment status in the school and, thus, assumes the rights of a vicing teacher.

2. Without School Guarantee (District Unassigned)

- a. A teacher who takes a leave of absence without school guarantee loses school status. Such a teacher assumes a district unassigned status and no longer belongs to the school from which he/she took leave.
- b. A teacher on an extended leave of absence, except for a teacher on extended health leave, does not have a school guarantee.
- c. A teacher who holds a district unassigned status or staff reduced status prior to going on leave returns to a district unassigned status.

D. Continuous Service for Seniority Purposes

Continuous district or school service does not include time as a substitute teacher, part-time temporary teacher or other casual type of DOE employment.

1. Continuous District Service

Continuous district service is defined as the total amount of continuous active service time in the district starting from the effective date of assignment to the district.

A teacher who leaves a district because of a resignation, transfer, etc. must re-accumulate service time in that district starting from the effective date of return to that district.

2. Continuous School Service

Continuous school service is defined as the total amount of continuous active service time in the school starting from the effective date of assignment to that school.

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- a. A teacher who loses his/her school assignment because of a resignation, transfer, leave of absence without school guarantee, etc., must re-accumulate service time from the date of reassignment to the school.
- b. A teacher on a leave of absence with a school guarantee may retain his/her accumulated service time. The period of leave shall count as active service time only if the leave itself carries service credit (Leave of Absence Without Pay for professional improvement [PILWOP], sabbatical leave, etc.).
- c. A teacher on a temporary duty assignment with a school guarantee retains continuous service time at his/her guaranteed school during the period of such assignment.
- d. A teacher on an extended leave of absence without pay who has no school guarantee shall be required to re-accumulate service time if reassigned to the same school.

E. Actual Staff Reduction

Staff reduction action during the school year based on actual staffing conditions existing at the time of reduction.

F. Projected Staff Reduction

Staff reduction action made on a projected basis and tentatively carried out for a subsequent school year based on tentative position allocations and personnel projections.

G. Adjustment Period

The period at the beginning of the school year, from the first day for teachers to the twenty-fourth workday of the school year. Tentative personnel

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placements may be corrected during this time period if actual staffing conditions do not coincide with projections.

Note 1: Regular assignments granted on a projected basis may be corrected during the Adjustment Period if actual teacher staffing conditions do not coincide with prior projections.

Note 2: Teachers with non-school status who are assigned to the school on a projected basis do not gain school status until after the Adjustment Period ends.

Note 3: Special Rule. Teachers who consummate transfers to advertised projected clear or vicing lines shall gain school status as of the first day for teachers. If actual staff reduction becomes necessary, these teachers shall be placed in appropriate Priority Category for reduction purposes.

H. Clear Line

Permanent unobligated positions.

I. Permanent Position

Non-temporary, general-funded position with authorized position count.

III. PROCEDURE FOR GRANTING REGULAR ASSIGNMENTS TO TEACHERS HOLDING LIMITED TERM ASSIGNMENTS

A. Time-Limitation

Regular assignments, if available, shall only be granted at the beginning of the school year.

B. Priority

1. Qualified vicing teachers in the school shall have the first opportunity to obtain regular assignments. If there are more than one qualified vicing teacher, regular assignments shall be made by seniority. Teachers holding school guarantees while on leave from vicing assignments are also considered vicing teachers; however, such teachers on leave cannot be given regular assignments until they return to active service.

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NOTE: Teachers holding LTA-Temporary position assignments have no priority for placement into other positions in the school.

2. If there are additional projected clear lines available after all qualified vicing teachers from the school have been accommodated, such lines shall be used in the following priority order:
 - a. To place unassigned teachers.
 - b. To be advertised for transfers.
 - c. To place probationary teachers hired to start during the first month of the school year.

IV. MAINTENANCE OF REGULAR ASSIGNMENTS

Teachers in the school with regular assignments shall retain their regular assignments (designated Code "1" in Block 45 of the SF-5A) until such time that they leave the school or otherwise lose their school status.

V. PRIORITY CATEGORIES AND SENIORITY FOR STAFF REDUCTION PURPOSES

A. Teachers shall be assigned the following priority categories for the purpose of staff reduction:

Priority I: Tenured teachers with Regular Assignments.

Priority II: Tenured teachers with LTA-Vice Assignments.

Priority III: Tenured teachers with LTA-Temporary Assignments during the period of temporary assignment based on ending date indicated on SF-5A, i.e. temporary assignments are given to teachers on early return from leave to a school where they have no school placement rights.

Priority IV: Teachers on probation during the current employment period.

Priority V: Teachers with TTAA contracts during the current employment period.

NOTE: This priority list accommodates both actual and projected staff reduction. Teachers holding Priorities III, IV, and V do not carry their school status beyond the current school year and, thus, do not participate in projected staff reduction.

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SPECIAL NOTE: A teacher with an LTA-Temporary position assignment holds a unique status under these staff reduction guidelines. By special exception, such a teacher has no placement rights in the school except to his/her assigned temporary position and, conversely, cannot be reduced from his/her temporary position until such time that the temporary position is terminated. The termination of a temporary position triggers the incumbent teacher's return to his/her guaranteed school.

B. Seniority for Tenured Teachers

In the application of seniority within priority categories, tenured teachers shall be ranked according to the following criteria:

1. The first criterion to be considered is service time in the Department of Education as a teacher (positions in the bargaining unit). This is total creditable service time which includes all DOE teaching service, leaves of absence which carry service credit, and creditable military service time. Examples of experiences, which are not acceptable as creditable service time as a teacher, are:
 - a. educational officer experience,
 - b. Peace Corps teaching,
 - c. service with other State of Hawaii departments,
 - d. substitute teaching, and
 - e. teaching in other school systems.
2. If there is a tie in application of total DOE service, the second criterion to be considered is continuous service time in the school.
3. If there is a tie in the application of continuous school service time, the third criterion to be considered is continuous service time within the district where the staff reduction is occurring.
4. If there is still a tie, the principal or administrator shall use a neutral method, such as flip of a coin, to break the tie.

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C. Seniority for Probationary Teachers

In the application of seniority, probationary teachers shall be ranked by probationary status (P-4, P-3, P-2, P-1, P-0).

VI. SEQUENTIAL PROCESS OF IMPLEMENTING STAFF REDUCTION PROCEDURES

- A. The principal or administrator shall determine the area where the reduction is to be made, i.e. subject matter field in a secondary school and area of specialty in an administrative unit. Elementary teachers have K-6 as their area of preparation. **DO NOT OVERLOOK** this factor.

In the secondary schools, the master schedule and student registration are factors which may determine the area(s) where reduction is necessary.

Reduction of administrative unit positions will be considered in the same fashion as subject matter fields in the secondary schools. Specialist areas, such as counselors, librarians, special education, etc., are considered as "subject matter" fields in schools.

- B. ****The principal or administrator shall ask for volunteers when staff reduction occurs.** In actual staff reduction, no volunteering is permitted if there are TTAA's in the identified area of reduction.

****IMPORTANT:** The concept of actual reduction and projected reduction should be applied when implementing paragraphs "B" and "C" above. Priority rights for employees with limited term assignments apply only if such employees hold school status at the time when staff reduction takes effect. Generally, if the reduction (projected staff reduction), is to take effect for a subsequent school year, teachers with temporary contracts and teachers with temporary assignments would not have school status and, therefore, do not participate in the reduction process.

1. A teacher with Temporary Teacher's Appointment Agreement is a temporary teacher and is always the first to be reduced. If necessary, such a teacher may be terminated prior to the expiration date of contract.
2. A probationary teacher is also a temporary teacher and is reduced prior to any tenured teacher.
3. A tenured teacher with a temporary assignment (Priority III) holds school status only during the period of such temporary assignment.

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1. Those who volunteer must be from the subject department, specialty area, etc., involved in staff reduction
 2. If there are more volunteers than the number of teachers to be reduced, priority category and seniority within priority category will be the basis to determine which teacher(s) will be permitted to volunteer to be staff reduced. Teachers in Priority Category I will be permitted to volunteer before teachers in Priority Category II, and teachers in Priority Category II will be permitted to volunteer before teachers in Priority Category III, etc. The more senior teachers in each priority category will be permitted to volunteer before other teachers in the same priority category with less seniority.
- C. ****If there are no volunteers, the principal shall determine who must leave the school by first considering teachers with limited term assignments, starting with those holding the lowest priority (Priority V before Priority IV, Priority IV before Priority III, etc.).**
- Teachers with Temporary Teaching Agreements have no seniority for staff reduction purposes.

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1. A teacher with Temporary Teacher's Appointment Agreement is a temporary teacher and is always the first to be reduced. If necessary, such a teacher may be terminated prior to the expiration date of contract.
2. A probationary teacher is also a temporary teacher and is reduced prior to any tenured teacher.
3. A tenured teacher with a temporary assignment (Priority III) holds school status only during the period of such temporary assignment.

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Reduction of tenured teachers with regular assignments shall be carried out only after it is determined that there is no teacher with a limited term assignment who can be reduced.

Reduction of teachers within priority categories shall be carried out through the applicable seniority process specified in Paragraphs V-B and V-C.

- D. A tenured teacher who is staff reduced may choose to realign, at that school, in other areas of preparation for licensure. However, such a teacher shall not displace another tenured teacher who has higher priority/seniority. A teacher who volunteers to be staff reduced volunteers to be reduced from the school and, therefore, does not have the right to realign in other areas of preparation for licensure.

VII. SPECIAL PROCEDURES FOR STAFF REDUCTION AS A RESULT OF DEPARTMENT DIRECTED ACTIONS, SUCH AS CONSOLIDATION OF SCHOOLS, REDISTRICTING, MOVEMENT OF CLASSES (ONE OR MORE GRADE LEVELS) FROM ONE SCHOOL TO ANOTHER, AND OPENING OF A NEW SCHOOL

- A. In these situations, because the conditions are the result of department directed actions, a teacher who is involved in the staff reduction:

1. Will be permitted and will have first priority to move with students to the new school or schools that are directly involved, provided vacancies are available. In secondary school movements, subject matter will be considered as in other staff reduction or assignment situations.

If the reduced teacher chooses not to move to any school involved along with the students, the teacher will be placed in the pool of unassigned staff reduced teachers.

2. Will carry the applicable school seniority gained in the former school to the new school that is directly affected by the Department's action.
3. Will not be able to carry over any school seniority accrued at the former school if the teacher is placed in the pool of unassigned staff reduced teachers.

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- B. The following special conditions apply when consolidation of schools occur:
1. Each of the schools involved, if necessary, will go about reducing its respective staffs (if this be the case) based on projected enrollment figures. The remaining faculty members of the involved schools will then be consolidated to form one staff.
 2. If more teachers need to be added to the school immediately after consolidation, those teachers who were reduced from the schools involved will be given first consideration for those positions. The teachers with the most seniority in the Department of Education will have first choice of position or they may choose to remain staff reduced. If all of the staff reduced teachers can be accommodated, those teachers who were staff reduced from their respective schools have the choice of being placed at the new school or of remaining as staff reduced teachers.
 3. Once a teacher moves into the new school as a result of consolidation, that teacher will have all applicable school service at the former school counted as service time in the new school.
 4. A teacher staff reduced as a result of consolidation will be considered an unassigned teacher in the district and will be treated in the same manner as other unassigned, staff reduced teachers.

VIII. ASSIGNMENT OF STAFF REDUCED AND DISTRICT UNASSIGNED TEACHERS

A. Placement of Staff Reduced Teachers

Whenever there are staff reduced or district unassigned teachers, the district shall confer with them to explain the method of assigning such teachers. All personnel regional officers are responsible for reassigning staff reduced or district unassigned teachers

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within their own district. If reassignment within the district is not possible, then these teachers will be considered for placement in another district.

A teacher who is staff reduced or affected by other administrative action may submit, if he/she so desires, a preferred list of not more than three (3) schools, three (3) geographic areas within his/her district and/or districts to his/her personnel regional officer within seven (7) calendar days. This teacher shall have priority for a vacant position in his/her area of preparation for licensure over less senior tenured teachers in similar situations. If preference of placement is in another district, this teacher is to be considered after all unassigned tenured teachers in that district have been placed. Every reasonable attempt shall be made to place such a displaced teacher in one of his/her preferred areas if vacancies are available, but if the teacher fails to accept any bona fide offer made by the Department by May 1 of any school year, the Department thereafter shall have the right to assign such teacher to an appropriate vacancy.

B. Reassignment to Original School

Staff reduced teachers shall be reassigned to their original school based on priority category and seniority.

1. Any tenured teacher who was staff reduced and assigned during the summer months to another school shall be reassigned to the teacher's original school should a vacancy occur before first day for teachers.
2. If, before first day for teachers, one vacancy appears in a school but two or more teachers have been staff reduced from that school, then the teachers shall be reassigned based on the following priority:
 - a. Non-volunteers who held regular assignments by seniority (teacher with the highest seniority is reassigned first).

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- b. Non-volunteers who held LTA-Vice assignments by seniority.
- c. Volunteers who held LTA-Vice assignments by inverse seniority (teacher with the least seniority is reassigned first).
- d. Volunteers who held regular assignments by inverse seniority.

NOTE: At the time of reassignment, teachers who were non-voluntarily staff reduced may then volunteer to be reduced provided that there is a non-voluntarily staff reduced teacher of lesser priority/seniority available for reassignment.

3. School and District Retreat Rights

a. School Retreat Rights

Any tenured teacher who was involuntarily staff reduced and assigned to another school during the summer months may be offered the opportunity to return to his/her former school if an appropriate vacancy should occur on or after the first day for teachers (during the Adjustment Period). Such offers shall be made based on the following priority:

- (1) Teachers who held regular assignments by seniority.
- (2) Teachers who held LTA-Vice assignments by seniority.

Teachers who volunteer to be staff reduced do not have school retreat rights.

b. District Retreat Rights

Any tenured (district unassigned or staff reduced) teacher who is placed in another district under the provisions of Paragraph VII-A may be offered the opportunity to return to his/her former district if an appropriate vacancy should occur on or after the first day for teachers (during the Adjustment Period). This district retreat right is subordinate to school retreat rights, and any seniority placement rights held by other

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staff reduced or district unassigned teachers. Teachers who volunteer to be placed outside the district do not have district retreat rights.

c. Termination of Retreat Rights

School or district retreat rights terminate upon the expiration of the Adjustment Period.

C. Summary

After a teacher is staff reduced out of a school, the district is responsible for placing the teacher in his/her particular area of preparation somewhere in the district based on seniority. If an appropriate position is not available in the district, the teacher will be placed in an appropriate position somewhere in the State. If no such vacancy exists in the State, the least senior teacher in the State in that particular area of preparation will be "dismissed" in accordance with H.R.S. §302A-609 to make room for the teacher.

References

Agreement Between the Hawaii State Teachers Association and the State of Hawaii Board of Education, Article VII , Section F Staff Reduction, and Article VI, Section II Half-Time Teachers, Hawaii Revised Statutes, Sec. 302A-609 Cause for discharge or demotion; preferred eligibility list.